

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FRONTIER AIRLINES, INC.,

Case No.: 1:20-cv-09713-LLS

Plaintiff,

-against-

AMCK AVIATION HOLDINGS IRELAND  
LIMITED, ACCIPITER INVESTMENT 4  
LIMITED, VERMILLION AVIATION  
(TWO) LIMITED, WELLS FARGO TRUST  
COMPANY, N.A., solely in its capacity as  
OWNER TRUSTEE, and UMB BANK,  
N.A., solely in its capacity as OWNER  
TRUSTEE,

Defendants.

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**JOINT ~~PROPOSED~~ SCHEDULING ORDER**

**I. CONFERENCE OF COUNSEL**

David G. Hosenpud, and Sarah Molinoff counsel for plaintiff, and Jeff Butler and John Alexander, counsel for the defendants, having met and conferred, submit the following proposed scheduling order pursuant to the Order for Conference Pursuant to Rule 16(b) (ECF No. 55) and in anticipation of the Conference with the Court scheduled for July 9, 2021, at 3:00 p.m.

**II. CONCISE STATEMENT OF THE ISSUES**

This dispute arises out of the parties' negotiations over a request by Plaintiff Frontier Airlines, Inc. ("Frontier") for a deferral of rent on certain aircraft leases. The parties disagree about the nature and content of those negotiations. Following those negotiations, Defendant AMCK Aviation Holdings Ireland Limited ("AMCK") terminated a March 2020 Framework Agreement with Frontier. Frontier seeks damages for defendants' alleged anticipatory repudiation and breach of the Framework Agreement, breach of aircraft lease agreements, violation of

covenants and duties, and fraud, and contends that defendants were estopped from issuing the notice of termination. Defendants deny Frontier's claims, contend that the termination of the Framework Agreement was valid based on an alleged default by Frontier, and dispute plaintiff's entitlement to relief. Defendant AMCK has counterclaimed for attorney fees and other litigation expenses in connection with Frontier's alleged default.

### **III. SCHEDULE**

#### **A. Depositions.**

The parties will complete depositions by March 25, 2022, with particular deposition dates to be agreed upon by the parties. Each side reserves its rights to challenge any of the following proposed depositions.

Frontier states that it currently anticipates seeking depositions of the following AMCK employees:

Michael McInerney

Dovile Kukulskiene

Paul Sheridan

Jane O'Callaghan

AMCK's shareholder(s) involved in discussions relating to this dispute

Defendants state that they currently anticipate seeking the deposition of the following Frontier employees:

Jimmy Dempsey

Robert Fanning

Spencer Thwaytes

Sharath Sashikumar Bindu



**B. Remaining Discovery Schedule.**

The schedule below sets forth the remaining discovery deadlines.

Description	Proposed Deadline
Initial Disclosures	June 25, 2021
First Discovery Requests (on or before)	July 23, 2021
Joinder of Parties	July 30, 2021
Begin Rolling Document Productions	September 10, 2021
Meet and Confer on Topics for Expert Testimony (on or before)	October 29, 2021
Completion of Documents Production	December 10, 2021
Fact Discovery Cutoff	March 25, 2022
<del>Expert Reports by Party with Burden</del>	<del>April 8, 2022</del>
<del>Rebuttal Expert Reports</del>	<del>May 6, 2022</del>
<del>Expert Discovery Cutoff</del>	<del>May 27, 2022</del>
<del>Dispositive Motions</del>	<del>June 27, 2022</del>
Plaintiff to supply pre-trial order material to defendants	Thirty days following ruling on any dispositive motions, or if no party files a dispositive motion, August 30, 2022
Pre-Trial Order	Forty-five days following the date Plaintiff supplies the pre-trial order material to defendants
Pre-trial Conference	_____

LLS

**C. Discovery Plan.**

**1. Limitations placed on discovery, including any protective or confidentiality orders.** The parties intend to enter into an agreed protective order to be submitted to the Court for approval.

**2. Discovery issues.** None at this time.

**3. Production of documents.** See above.

**4. Anticipated fields of expert discovery.** Frontier currently anticipates expert testimony on matters relating to the airline industry, aircraft leasing, aircraft lease negotiations, and damages. Defendants currently anticipate offering rebuttal expert testimony on any of the foregoing. The parties will meet and confer about the potential need for expert testimony in accordance with the above schedule.

**D. Anticipated length of trial; court or jury trial.**

The parties estimate the trial will last 5-6 days. The parties request a bench trial.

This Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires.

DATED: July 1, 2021

**LANE POWELL PC**

By s/David G. Hosenpud

David G. Hosenpud (*pro hac vice*)

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*Attorneys for Plaintiff, Frontier Airlines, Inc.*

DATED: July 1, 2021

**CLIFFORD CHANCE US LLP**

By: s/Jeff E. Butler (with consent)

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APPROVED.

DATED: July 9, 2021

Louis L. Stanton  
United States District Judge